

# House Bill 4081

Sponsored by Representative PRUSAK, Senator KENNEMER; Representatives DEXTER, GRAYBER, MARSH, NERON, REYNOLDS, SCHOUTEN, SMITH WARNER, WILLIAMS, Senators GOLDEN, GORSEK, STEINER HAYWARD (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires pharmacist who dispenses opioid prescription to offer prescription for naloxone, or similar drug, and information about naloxone under specified circumstances. Creates exceptions to requirement to offer prescription for naloxone or similar drug. Requires health benefit plan to provide payment or reimbursement for naloxone prescription and dispensation by pharmacist.

Becomes operative January 1, 2023.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to naloxone; creating new provisions; amending ORS 689.682 and 743A.051; and prescribing  
3 an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 689.682 is amended to read:

6 689.682. (1) **As used in this section:**

7 (a) **“Opioid” means a natural, synthetic or semisynthetic chemical that interacts with**  
8 **opioid receptors on nerve cells in the body and brain to reduce the intensity of pain signals**  
9 **and feelings of pain.**

10 (b) **“Opioid overdose” means a medical condition that causes depressed consciousness and**  
11 **mental functioning, decreased movement, depressed respiratory function and the impairment**  
12 **of vital functions as a result of ingesting opioids in an amount larger than can be physically**  
13 **tolerated.**

14 *[(1)]* (2) In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205,  
15 a pharmacist may prescribe **and dispense naloxone or any other drug approved by the United**  
16 **States Food and Drug Administration for the complete or partial reversal of opioid overdose**  
17 **and the necessary medical supplies to administer the naloxone or other drug described in this**  
18 **subsection.**

19 *[(2) If a prescription is presented to a pharmacist for dispensing an opiate or opioid in excess of*  
20 *a morphine equivalent dose established by rule by the board, the pharmacist may offer to prescribe and*  
21 *provide, in addition to the prescribed opiate or opioid, a naloxone kit consisting of a dose of naloxone*  
22 *and the necessary medical supplies to administer the naloxone.]*

23 (3) **A pharmacist who dispenses an initial prescription for an opioid shall offer to the**  
24 **patient a prescription for naloxone or any other drug approved by the United States Food**  
25 **and Drug Administration for the complete or partial reversal of opioid overdose, if any of the**  
26 **following conditions are present:**

27 (a) **The patient is prescribed an opioid in a dosage of 90 milligram morphine equivalents**  
28 **per day or higher;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(b) The patient is concurrently prescribed benzodiazepine or gabapentin and an opioid in**  
2 **any dosage; or**

3       **(c) The patient has been prescribed benzodiazepine or gabapentin within the last year.**

4       **(4) A pharmacist who offers a prescription for naloxone or another drug for opioid over-**  
5 **dose reversal described in subsection (3) of this section shall inform the patient, or the**  
6 **patient's guardian if the patient is a minor, either orally or in writing, about opioid overdose**  
7 **and the use of naloxone or another drug for opioid overdose reversal described in subsection**  
8 **(3) of this section.**

9       **(5) If a pharmacist dispenses a subsequent prescription for an opioid to a patient de-**  
10 **scribed in subsection (3) of this section, the pharmacist shall offer to the patient a pre-**  
11 **scription for naloxone or another drug for opioid overdose reversal described in subsection**  
12 **(3) of this section and provide the information described in subsection (4) of this section if**  
13 **either of the following apply:**

14       **(a) The pharmacist has not dispensed to the patient a prescription for naloxone or an-**  
15 **other drug for opioid overdose reversal described in subsection (3) of this section; or**

16       **(b) One year or more has elapsed since the pharmacist last dispensed to the patient a**  
17 **prescription for naloxone or another drug for opioid overdose reversal described in sub-**  
18 **section (3) of this section.**

19       **(6) The requirements of this section do not apply when a pharmacist dispenses a pre-**  
20 **scription for an opioid for an individual who is:**

21       **(a) In a hospice program, as defined in ORS 443.850;**

22       **(b) Receiving palliative care;**

23       **(c) Receiving inpatient care and the opioid prescription is for the duration of the inpa-**  
24 **tient care; or**

25       **(d) Undergoing an outpatient medical procedure and the opioid prescribed will be admin-**  
26 **istered prior to the patient's discharge.**

27       **SECTION 2.** ORS 743A.051 is amended to read:

28       743A.051. Notwithstanding any provisions of a health benefit plan as defined in ORS 743B.005,  
29 whenever the plan provides for payment or reimbursement for a service that is within the lawful  
30 scope of practice of a pharmacist, the insurer:

31       (1) May provide payment or reimbursement for the service when the service is provided by a  
32 pharmacist; and

33       (2) Shall provide, in the same manner as would be provided for any other health care provider,  
34 payment or reimbursement for:

35       (a)(A) The prescription of emergency refills of insulin and associated insulin-related devices and  
36 supplies as described in ORS 689.696; and

37       (B) The service provided by the pharmacist;

38       (b)(A) The prescription, dispensation and administration of preexposure and post-exposure  
39 prophylactic antiretroviral therapies pursuant to ORS 689.704 and any rules adopted by the State  
40 Board of Pharmacy under ORS 689.645 and 689.704; and

41       (B) The service provided by the pharmacist; *[and]*

42       (c)(A) **The prescription and dispensation of naloxone, or another drug approved by the**  
43 **United States Food and Drug Administration for the complete or partial reversal of opioid**  
44 **overdose, pursuant to ORS 689.682; and**

45       (B) **The service provided by the pharmacist; and**

1        [(c)(A)] **(d)(A)** The prescription and dispensation of other prescription drugs by a licensed  
2 pharmacist if the [*State Board of Pharmacy*] **board** or any state law authorizes the drug to be pre-  
3 scribed and dispensed by pharmacists licensed under ORS chapter 689; and

4        (B) The service provided by the pharmacist.

5        (3) This section is exempt from ORS 743A.001.

6        **SECTION 3. The amendments to ORS 689.682 and 743A.051 by sections 1 and 2 of this 2022**  
7 **Act apply to prescriptions for opioids written on or after the operative date specified in**  
8 **section 4 of this 2022 Act.**

9        **SECTION 4. (1) The amendments to ORS 689.682 and 743A.051 by sections 1 and 2 of this**  
10 **2022 Act become operative on January 1, 2023.**

11        **(2) The State Board of Pharmacy may take any action before the operative date specified**  
12 **in subsection (1) of this section that is necessary to enable the board to exercise, on and**  
13 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
14 **and powers conferred on the board by the amendments to ORS 689.682 and 743A.051 by**  
15 **sections 1 and 2 of this 2022 Act.**

16        **SECTION 5. This 2022 Act takes effect on the 91st day after the date on which the 2022**  
17 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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